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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
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7 LENA ARMAS and ANDREA BLUM,
8 individually and on behalf of all others similarly
situated,

9 Plaintiff,

10 v.

11 REALPAGE, INC., GREYSTAR REAL
12 ESTATE PARTNERS, LLC, CH REAL
13 ESTATE SERVICES, LLC, LINCOLN
14 PROPERTY CO., FPI MANAGEMENT, INC.,
15 MID-AMERICA APARTMENT
16 COMMUNITIES, INC., AVENUES
17 RESIDENTIAL, LLC, EQUITY
18 RESIDENTIAL, ESSEX MANAGEMENT
19 CORPORATION, AVALONBAY
20 COMMUNITIES, INC., CAMDEN PROPERTY
21 TRUST, ESSEX PROPERTY TRUST, INC.,
22 THRIVE COMMUNITIES MANAGEMENT,
23 LLC, SECURITY PROPERTIES INC., B/T
24 WASHINGTON, LLC d/b/a BLANTON
25 TURNER, INDEPENDENCE REALTY
26 TRUST, INC., CUSHMAN & WAKEFIELD,
27 INC., BH MANAGEMENT SERVICES, LLC,
and UDR, INC.,

Defendants.

Civil Action No. 2:22-cv-01726-RSL

STIPULATED MOTION AND ORDER
SUSPENDING DEADLINE FOR
DEFENDANT ESSEX PROPERTY
TRUST, INC. TO RESPOND TO
COMPLAINT

1 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Lena Armas and
2 Andrea Blum (collectively, “Plaintiffs”) and Defendant Essex Property Trust, Inc. (“Essex”),
3 by and through their respective counsel, hereby stipulate as follows:

4 WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December
5 6, 2022. ECF No. 1.

6 WHEREAS, Plaintiffs and certain other Defendants (“Stipulating Defendants”),
7 including Essex Management Corporation, entered a Stipulation that, for purposes of judicial
8 efficiency, would temporarily suspend the date for a responsive pleading to the Complaint.
9 ECF No. 51.

10 WHEREAS, the Court subsequently entered an Order, ECF No. 54, that, *inter alia*,
11 suspended the date for the Stipulating Defendants to respond to the Complaint, and required the
12 parties to submit a status report by January 18, 2023.

13 WHEREAS, on December 20, 2022, Plaintiffs filed a Proof of Service that National
14 Registered Agents, Inc., who is designated by law to accept service of process on behalf of
15 Essex, was served on December 9, 2022.

16 WHEREAS, Plaintiffs and Essex believe that judicial efficiency would be served by
17 suspending, for a short period of time, the deadline for Essex to move to dismiss, answer or
18 otherwise respond to the Complaint, consistent with the Court’s Order suspending the date for
19 the Stipulating Defendants to respond to the Complaint.

20 WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on
21 the alleged use of RealPage, Inc.’s revenue management software.

22 WHEREAS, as of the date of this filing, the parties are aware that one or more of the
23 defendants, including Essex, are named in multiple other lawsuits, in District Courts in
24 Colorado, Massachusetts, Texas, and Washington, asserting claims under Section 1 of the
25 Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

1 WHEREAS, Plaintiff and the Stipulating Defendants have agreed to meet and confer
2 and file a status report with the Court by January 18, 2023 related to a schedule for the case,
3 and Essex agrees to join in the filing of that status report.

4 WHEREAS, on December 29, 2022, Judge Robert S. Lasnik entered in this action, an
5 order that is essentially identical to the subjoined order based on a stipulation that is essentially
6 identical to this one (ECF 56).

7 WHEREAS, in light of actions filed recently in the District of Colorado, the District of
8 Massachusetts, and the Western District of Texas, the Stipulating Defendants have filed a
9 motion pursuant to 28 U.S.C. § 1407 to transfer this case to the Northern District of Texas, In
10 re: RealPage, Inc. Rental Software Antitrust Litigation (No. II), MDL No. 3071.

11 In making this stipulation, Essex does not waive, in this or any other action, any (i)
12 defenses or arguments for dismissal that may be available under Fed. R. Civ. P. 12; (ii)
13 affirmative defenses under Fed. R. Civ. P. 8; (iii) other statutory or common law defenses that
14 may be available; or (iv) right to seek or oppose any reassignment, transfer, or consolidated
15 alternatives. Essex expressly reserves its rights to raise any such defenses (or any other
16 defense) in response to either the Complaint or any original, amended, or consolidated
17 complaint that may be filed in this or any other action.

18 THEREFORE, the parties stipulate and agree to suspend the deadline for Essex to
19 answer, move to dismiss, or otherwise respond to the Complaint and request that the Court
20 enter the subjoined order pursuant to this stipulation.

ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendant Essex Property Trust, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended.

Defendant Essex Property Trust, Inc. shall meet and confer with Plaintiffs, and participate in the filing of the joint status report, as covered by the Court's prior Order, due on January 18, 2023.

Dated this 13th day of January, 2023.

Mr S Casnik

Robert S. Lasnik
United States District Judge